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7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 PINOLEVILLE POMO NATION,  
11 PINOLEVILLE POMO NATION  
12 ENVIRONMENTAL ASSOCIATION AND  
13 LEONA WILLIAMS,

14 Plaintiffs,

15 v.

16 UKIAH AUTO DISMANTLERS, WAYNE  
17 HUNT ISABEL LEWRIGHT, WARRIOR  
18 INDUSTRIES, INC., RICHARD MAYFIELD,  
19 ROSS JUNIOR MAYFIELD, PAULA  
20 MAYFIELD, KENNETH HUNT, U.S.  
21 ALCHEMY CORPORATION AND DOES 1-  
22 50, INCLUSIVE,

23 Defendants.

Case No.: C 07 2648

DECLARATION OF JOAQUIN WRIGHT  
IN REBUTTAL TO DECLARATION OF  
DONALD MCEDEWARDS IN OPPOSITION  
TO PRELIMINARY INJUNCTION

Date: 06/25/08  
Time: 1:30 P.M.  
Dept: Courtroom C, 15<sup>th</sup> Floor  
Judge: Susan Illston

24  
25 My name is Joaquin Wright. I have personal knowledge of the facts stated herein unless  
26 expressly alleged on information and belief, and, if called as a witness, I could testify  
27 competently thereto.  
28

1. This declaration documents my review of the Declaration of Donald McEdwards in opposition to preliminary injunction.

2. I have over 10 years of consulting experience as an Environmental Engineer. I am the Senior Vice President and co-founder of KENNEC INC. I received my Bachelors of Science degree from the Environmental Resource Engineering Program at Humboldt State University. I am a Certified Professional in Erosion and Sediment Control (CPESC) and a Waste Tire Reuse Specialist. I am also responsible for the management and implementation of the CALEPA CIWMB civil engineering application programs 06008, 05058, 04054, 03031, and 02022. I have performed onsite project and construction management for landfill construction, industrial facility remediation projects, and have worked extensively on large earth moving construction projects. I have extensive landfill design development and environmental engineering experience, including cell expansion designs, master plan development, modeling of surface and ground water, water quality sampling and analysis, soil loss, construction management and construction quality assurance services for industrial, civil and private projects throughout California. I have managed and performed hydrology analysis, construction level design packages, erosion control design and implementation plans, road designs, methane removal system designs, and associated projects.

3. I have reviewed the declaration of Donald McEdwards in opposition to the preliminary injunction. In my following comments I reference Exhibits 2, 3, 4, 5, 6, and 7 from Donald McEdwards Declaration.

4. Exhibit 2 shows a satellite picture overlaid with the Parcel boundaries and identification for Parcels 47, 48, 49, 50, and 10. Exhibit 3 shows a satellite picture with added surface flow runoff



1 patterns developed by Donald McEdwards from his site visit on June 6<sup>th</sup> 2008. In Exhibit 3, the  
2 majority of the UAD Parcel 48 (the southerly and westerly portions) is not defined with  
3 reference to surface flow runoff patterns. Upon review of Exhibit 2 and 3, it is clear that the  
4 majority of the Parcel 48 storm water runoff flow patterns have not been categorized. The dirt  
5 road, as seen in Exhibit 2, that runs the full length of Parcel 48 from west to east and onto Parcel  
6 47 is a potential conveyance pathway to discharge surface water from Parcel 48 and 10 onto the  
7 neighboring Parcel 47, and then onto the PPN property at the location where samples were taken  
8 on January 8<sup>th</sup>, 2008 by myself, Joaquin Wright.  
9

10  
11 5. When viewing general topography maps of the area in question from Google Earth and  
12 USGS, it can be seen that surface flow patterns would naturally have a gradient from west to east  
13 and south to north. Without surface water drainage appurtenances, the flow from the undefined  
14 regions on Parcels 48 and 10 of Exhibit 3 would most likely progress from the west in an easterly  
15 direction and discharge to Parcel 47 and then, following existing drainage pathways, onto the  
16 PPN property.  
17

18  
19 6. The drainage basins Exhibits referenced by Donald McEdwards as Exhibit 4, 5, 6 and 7 do  
20 not show the down gradient side of the basin where overflow off of the property would occur if  
21 the basins were overflowing. This would be the area to look if one were to assess if overflow  
22 had happened in the past. As well, the Exhibits 6 and 7 show signs of recent earthwork, as is  
23 evident by the lack of vegetation one would expect to find in and around a basin of this type and  
24 by the track marks left from heavy equipment. As of this declaration, I have not seen or been  
25 apprised of any engineering calculations or design drawings that would support the conclusion  
26 that the basins in question can hold any moderate or substantial precipitation event without  
27 overflowing. Typically basins of this type would be appropriately sized to handle a 24 hour, 25  
28

1 year precipitation event, and due to the nature of the business on the property, would also be  
2 lined with an impermeable barrier to prevent heavy metals from settling into the underlying soil  
3 and ground water. Design drawings and back up calculations to substantiate that the basins can  
4 hold the appropriate amount of surface runoff water for the Parcel acreage in question should be  
5 maintained in the site Stormwater Pollution Prevention Plan (SWPPP), as part of a site's Best  
6 Management Practice (BMP).  
7

8 7. Exhibits 5, 6 and 7 show portions of the basins on Parcel 10, and the adjacent road way which  
9 runs from west to east from Parcel 48 and 10 drainage areas onto Parcel 47. Upon review of  
10 Exhibits 5, 6, and 7, the dirt road adjacent to the basins appears to have no BMP measures to  
11 direct surface flow away from the neighboring property, or to direct all the surface flow from the  
12 business activity areas into the basins. The stormwater drainage basin BMPs that one would  
13 expect to find, that would direct all surface water flow into the basins, are not present, such as  
14 road swales, sandbags, and temporary surface drainage culverts.  
15  
16

17 **I DECLARE UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE**  
18 **UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT.**  
19  
20  
21

22 DATED 06/18/08

23 Petaluma California

24 /S/ Joaquin Wright  
25 Joaquin Wright  
26  
27  
28